

# EXHIBIT O

THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

---

|                             |   |                       |
|-----------------------------|---|-----------------------|
| CHAO CHEN, individually and | ) |                       |
| on behalf of all those      | ) | No. 3:17-cv-05769-RJB |
| similarly situated,         | ) |                       |
|                             | ) |                       |
| Plaintiff,                  | ) |                       |
|                             | ) |                       |
| v.                          | ) |                       |
|                             | ) |                       |
| THE GEO GROUP, INC., a      | ) |                       |
| Florida corporation,        | ) |                       |
|                             | ) |                       |
| Defendant.                  | ) |                       |

---

DEPOSITION UPON ORAL EXAMINATION OF  
**FERNANDO AGUIRRE-URBINA**  
June 11, 2018  
Tacoma, Washington

---

Taken Before:

Laura A. Gjuka, CCR #2057  
Certified Shorthand Reporter

A P P E A R A N C E S

For the Plaintiffs:

DEVIN T. THERIOT-ORR  
Sunbird Law  
1000 Fourth Avenue  
Suite 3200  
Seattle, WA 98154  
206-962-5052  
devin@sunbird.law

ADAM J. BERGER  
Schroeter Goldmark Bender  
500 Central Building  
810 Third Avenue  
Seattle, WA 98104  
206-622-8000  
berger@sgb-law.com

For the Defendant:

JOAN K. MELL  
III Branches Law, PLLC  
1019 Regents Boulevard  
Suite 204  
Fircrest, WA 98466  
253-566-2510  
Joan@3brancheslaw.com

CHARLES A. DEACON  
Norton Rose Fulbright  
300 Convent Street  
Suite 2100  
San Antonio, TX 78205-3792  
210-270-7133  
charlie.deacon@nortonrosefulbright.com

Also Present:

DAVE HANSEN  
Sound Vision Video Production  
4821 North 14th Street  
Tacoma, Washington, 98406

EXAMINATION INDEXEXAMINATION BY:PAGE NO.

Ms. Mell

5

EXHIBIT INDEXEXHIBIT NO.DESCRIPTIONPAGE NO.

Exhibit No. 21

18 pages, Siegley v.  
Aguirre-Urbina Dissolution of  
Marriage paperwork

86

Exhibit No. 22

19 pages, Personal Restraint  
Petition

86

Exhibit No. 23

1 page, Volunteer Work Program  
Agreement

276

1 BE IT REMEMBERED that on the 11th of June,  
2 2018, 9:08 a.m., at 1623 East J Street, Washington,  
3 before LAURA A. GJUKA, CCR# 2057, Washington State  
4 Certified Court Reporter residing at University Place,  
5 authorized to administer oaths and affirmations pursuant  
6 to RCW 5.28.010.

7 WHEREUPON the following proceedings were had,  
8 to wit:

9 \* \* \* \* \*

10 VIDEOGRAPHER: This is the video-recorded  
11 deposition. Today's date is June 11th, 2018. The time  
12 is 9:08. My name is Dave Hansen. I'm subcontracted by  
13 Sound Vision Video Production, 4821 North 14th Street,  
14 Tacoma, Washington 98406, phone number 253-905-4941.

15 The deposition today is being held at 1623 East J  
16 Street, Tacoma, Washington, the case is Chen versus  
17 GEO Group. Present for the plaintiff,  
18 Devin Theriot-Orr, Adam Berger. Present for the  
19 defense, Joan Mell, Charles Deacon. The witness is  
20 Fernando Urbina. The court reporter is Laura Gjuka who  
21 will now swear in the witness.

22 FERNANDO AGUIRRE-URBINA, having been first duly sworn  
23 by the Court Reporter, was  
24 examined and testified as  
25 follows:

EXAMINATION

BY MS. MELL:

Q State your name.

A Fernando Aguirre.

Q What's the Urbina?

A Urbina is my second last name.

Q So how do you refer to yourself? What's your legal name?

A Fernando Aguirre Urbina.

Q Do you hyphenate it?

A What's hyphenate?

Q Do you put a dash in between the two names?

A Yes.

Q Okay. And is Aguirre your mother's maiden name?

A Yes. No, Urbina.

Q Urbina is your mother's?

A Yes.

Q And Aguirre is who?

A My father's.

Q Okay. And where are they?

A The Yakima Valley.

Q How long have they been there?

A I'm not sure at this time. Probably 20 years.

Q What are their names?

A Anna.

1 worse; the diphenhydramine is more to take if the  
2 cetirizine doesn't take them fully away.

3 Q Are you on it today?

4 A I took it yesterday. So maybe it is still in my system.

5 Q What dose?

6 A 25 milligrams.

7 Q Did you take it at the same time as the cetirizine?

8 A No.

9 Q When did you take it?

10 A Around 12:00 o'clock at night.

11 Q At night?

12 A Yeah.

13 Q So early this morning?

14 A Yes.

15 Q And you were up at that hour?

16 A Yes, I was.

17 Q Why were you up at 12:00 a.m.?

18 A So maybe it's the detention, but I could -- I have a  
19 problem with sleeping. I can't sleep. I don't want to  
20 stress my body out more by forcing it to sleep, so I  
21 will listen to talk radio. I will -- and commercials  
22 during talk radio, I will read a page of the Bible, and  
23 I will also express myself through poetry.

24 Q Okay. So at 12:00 a.m. you're able to listen to talk  
25 radio?

1 him?

2 A No.

3 Q Okay. One of the things you were telling me earlier was  
4 how you spend your day. What activities do you engage  
5 in?

6 A So when I wake up, I'll take my vitamins. I drink a lot  
7 of water. I'll have lunch. Around 2:00 o'clock I'll  
8 attempt to exercise for one or two hours. Around  
9 4:00 o'clock we have count. I have a Bible study.  
10 After count, I try to play dominoes with some friends or  
11 watch TV, try to find something to do.

12 Q Do you do anything else?

13 A I like to write a lot of poetry.

14 Q How often do you clean up after yourself?

15 A I've become better at that. Yeah, you know, it's one of  
16 our turns -- one of -- so I live with four people in one  
17 cell. So every day it's a different person's turn to  
18 clean. Maybe it's, I don't know, anxiety or something,  
19 but I like to organize everything, you know?

20 Q Is that your OCD?

21 A Maybe it's just compact energy and I need to burn it  
22 somehow. So I just start --

23 Q How many psychological evaluations have you had?

24 A So any evaluations, I know I've had more than -- one for  
25 sure. I used to have monthly checkups with a provider,



1 A Sorry, yes. I'm a little slow. Sorry.

2 Can you repeat the question?

3 Q why did you do any of the activities you were asked to  
4 do?

5 A To work? well, I mean, I wanted a job. It gave me a  
6 little bit of fulfillment.

7 Q How long were you here before you decided to participate  
8 in any activities?

9 A I don't --

10 MR. THERIOT-ORR: Objection, ambiguous.

11 THE WITNESS: I don't remember. That  
12 was -- I've been here since 2012. I don't remember.

13 BY MS. MELL:

14 Q How much time have you been here without doing anything?

15 A That's a good question. I don't know.

16 Q what are you doing today? Are you doing any of those  
17 activities today?

18 A Are you asking of work?

19 Q I don't know. I want to know, are you going to  
20 participate in anything that you have been asked to do  
21 by GEO today?

22 A So you're asking me about work, right?

23 Q well, I don't know. what do you call work?

24 A Yeah, I'm going to work today.

25 Q You think that work is doing what?

1 A Work is doing what? I mean, obviously you fill out,  
2 what's it called, what's required of you, sign it, and  
3 then you do your job.

4 Q So what do you expect to do today?

5 A Pick up garbage.

6 Q When?

7 A Around 11:45.

8 Q Are you speaking about 11:45 p.m.?

9 A Yes.

10 Q And what garbage do you pick up?

11 A The garbage outside of the pods.

12 Q What garbage is outside of the pods?

13 A The garbage put out.

14 Q So are you speaking about garbage that's in plastic  
15 bags?

16 A Yes.

17 Q Okay. So you're not picking up the garbage, you're  
18 picking up the plastic bag that the garbage is in?

19 A Yeah.

20 Q And what are you doing with it?

21 A So we get the plastic bags, put them in the bin, take  
22 them to where the bins need to be and -- yeah.

23 Q So what does that mean, "take to where the bins"?  
24 You're just pushing the bags down the hallway?

25 A So I had to go get the garbage from the units, you know.

1 A A couple hundred dollars.

2 Q why?

3 A It's expensive being in here.

4 Q what do you spend your money on?

5 A Food.

6 Q what kind of food?

7 A Rice, a lot of soy sauce, hot sauce, sugar, coffee,  
8 candy. Whatever is available.

9 Recently we were given some tablets, so now we could  
10 listen to music and like message and stuff. But it's  
11 pretty expensive, 5 cents a minute. I mean, it adds up.

12 Q Are you given rice to eat without having to pay for it?

13 A Yes.

14 Q Are you given soy sauce to eat without having to pay for  
15 it?

16 A Not constantly. And if it's on there, I never tasted  
17 it.

18 Q Are you given hot sauce without having to pay for it?

19 A No, I don't think so.

20 Q Are you given sugar without having to pay for it?

21 A Yes, sweetener.

22 Q Are you given coffee without having to pay for it?

23 A A small little pouch.

24 Q what contribution, if any, do you make to the meals you  
25 are served every day?

1 brought here.

2 Q You contribute because you're present here?

3 A Bed space. I believe so. That's my personal belief  
4 though.

5 Q So the mere fact that you exist on the inside is enough  
6 to pay for the food?

7 MR. THERIOT-ORR: Objection,  
8 mischaracterizes prior testimony.

9 THE WITNESS: I mean, to me, I don't know.  
10 It's probably business. You know what I mean? So...

11 BY MS. MELL:

12 Q So that part of the business isn't dependent upon you  
13 picking up the garbage, right?

14 A What do you mean?

15 Q The fact that you're entitled to a meal and the bed  
16 payment would pay for your meal has nothing to do with  
17 you picking up garbage? If you pick up the garbage or  
18 not, you're entitled to a meal?

19 A Yeah. This facility is extremely closed out. We do not  
20 have enough freedom. So, I mean, having a job, it kind  
21 of gives me a little something to do. Maybe it will  
22 take my mind off of a lot of stresses that I already  
23 have, or it will allow me to focus on something  
24 different. So having a job, I mean, it's -- we don't  
25 have much to do here. There is not -- there is not any

1 THE WITNESS: What do you mean?

2 BY MS. MELL:

3 Q You did not feel that the pay was a big enough concern  
4 that you complained about it?

5 MR. THERIOT-ORR: Same objection.

6 THE WITNESS: Like I said, I'm not, you  
7 know, one to complain, you know, about a lot of stuff.  
8 I guess I just accepted that this is just how things are  
9 right now.

10 BY MS. MELL:

11 Q And, in fact, you signed up to get \$1 per day, correct?

12 A I signed a -- I mean, I signed a form, yes. I don't  
13 remember exactly the -- is that the pay? Yes, that's  
14 the pay, \$1.

15 Q You knew when you signed up that you would get nothing  
16 more than \$1 per day?

17 A Yeah. That was very clear that it was \$1 per day.

18 Q And you chose to accept that condition without  
19 complaint?

20 A Being the only thing available, what other choice -- you  
21 know, what other -- what other options did I have?

22 Q To sit in your bunk and not do anything.

23 A Like I previously stated, having a job allowed me to  
24 take my mind off of a lot of things that I was going  
25 through.

1           So then I'll make my way back to the elevator where  
2           we'll get escorted down. Then I will go to the golf  
3           pod. I mean, the fox pod, sorry. I will do the same  
4           thing. If there is boxes that are not bagged, we put  
5           those in there also. If there is plastic bags, again,  
6           bags of clothing or trays, well, then we do that.

7           Q How long does that loop take you?

8           A It could take an hour. Less than an hour sometimes.

9           Q You don't do it by yourself?

10          A So there is -- it starts at A -- the pods A, B, C, D, E,  
11          F, G. So there will be some that gets the other pods,  
12          and then there will be some individuals that do the  
13          mopping, the sweeping.

14          And then certain times of the month or certain times  
15          of the year, either -- there is visiting people -- we  
16          will paint the walls. We will also -- the same detail  
17          will wax the floors. So we'll get the wax. If it's --  
18          the floors are messed up.

19          Q Okay, but you're way off track from what I asked you.

20          A It's the same crew. It depends what they --

21          Q I think I asked you if you work alone?

22          A Okay. Work alone? No, I said there is several people.  
23          So some of them will get the A pods, B pods, and C pods.

24          Q So you don't even have to do all of this stuff?

25          A No. All of it? No, we split it up.

1 housing unit, correct?

2 A Yes. My job does not require me to go into the unit.  
3 That is another detainee's job.

4 Q Okay. So to the extent of what you do, you pick up  
5 what's already been accumulated in one location, and you  
6 put it into a cart that allows you to transport it to a  
7 different location?

8 A Put it into a cart and move it?

9 Q Yes.

10 A Yeah.

11 Q Okay. So last night, did you do this?

12 A Yes.

13 Q What time?

14 A Around 11:40, 11:50.

15 Q So at 11:40 you went to the podium?

16 A My co-worker had already arrived with the carts, so I  
17 didn't have to go to the podium until I was done.

18 Q So when you said your "co-worker already arrived with  
19 the carts," what does that mean? Arrived where?

20 A To my unit.

21 Q All right. So you just went to the door of your unit  
22 and met him?

23 A Yeah.

24 Q And then you and this person, co-worker, whose name is  
25 Lane?

1 A GEO. I mean, this is where I live. This is where I  
2 work. I believe so. You know, this is my point of  
3 view. This is what I think, you know?

4 Q Who do you think pays the dollar a day?

5 A GEO probably.

6 Q Don't you think that people like me pay it by paying  
7 taxes --

8 MR. THERIOT-ORR: Objection,  
9 argumentative.

10 BY MS. MELL:

11 Q -- to pay for the facility to pay GEO?

12 A Yeah, but see -- I mean, like I said -- I mean, like  
13 when I was growing up, like I said, after every check  
14 that I would get, remember how I told you that I would  
15 get money taken out? Well, I mean, I remember them  
16 taking out -- one check stub I remember it said \$50.52  
17 for Social Security. I'm never going to get that money  
18 back. And that's just -- that's just one of me. You  
19 know what I mean? That's just one of me. A lot of  
20 people working and contributing to Social Security that  
21 we're not going to receive. So, I mean, I'm  
22 contributing in a way also.

23 Q How have you not benefited by Social Security?

24 A Isn't Social Security -- what is the description of  
25 Social Security?



C E R T I F I C A T E

I, Laura Gjuka, a Certified Court Reporter in  
and for the State of Washington, residing at  
University Place, Washington, authorized to administer  
oaths and affirmations pursuant to RCW 5.28.010, do  
hereby certify;

That the foregoing Verbatim Report of Proceedings  
was taken stenographically before me and transcribed  
under my direction; that the transcript is a full, true  
and complete transcript of the proceedings, including  
all questions, objections, motions and exceptions;

That I am not a relative, employee, attorney or  
counsel of any party to this action or relative or  
employee of any such attorney or counsel, and that I am  
not financially interested in the said action or the  
outcome thereof;

That upon completion of signature, if required, the  
original transcript will be securely sealed and the same  
served upon the appropriate party.

IN WITNESS HEREOF, I have hereunto set my hand this  
13th day of June, 2018.

---

Laura Gjuka, CCR No. 2057